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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8  
DY  
3-11-04

In Re the Application of:

HARRIS

Serial No.: 09/683,891

Filed: February 27, 2002

Atty. File No.: 41961-00220

For: "PNEUMATIC CONTROL  
SYSTEM FOR A WATER  
CANNON"

) Art Unit: 3752

) Examiner: Davis D. Hwu

) Confirmation No.: 7801

) REPLY TO SPECIES ELECTION  
) REQUIREMENT

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Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<p align="center"><b>CERTIFICATE OF MAILING</b></p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313 ON <u>Mar. 1, 2004</u></p> <p align="right">HOLLAND &amp; HART LLP</p> <p>BY: <u>[Signature]</u></p>
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Dear Sir:

In an Office Action dated January 29, 2004, the Examiner reiterated a species election requirement that was initially set forth in an Office Action dated December 12, 2003. In the Office Action dated December 12, 2003, the Office indicated that claims 1-16 (Species 1) and 17-21 (Species 2) were directed to patentably distinct species of the invention. The Office required election of a single disclosed species for prosecution on the merits and to which the claims would be restricted if no generic claim was held allowable. Further, the Office took the position that none of the claims appeared to be generic.

In the Office Action dated January 29, 2004, the Office took the additional position that, because claim 1 had a third pneumatic device not present in claim 17, claims 1 and 17 were directed to different embodiments (species) of the apparatus.

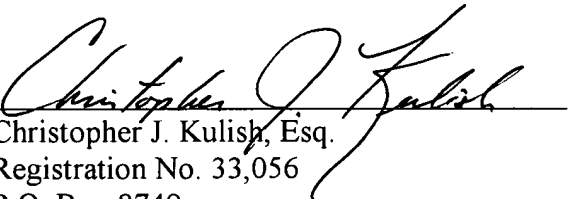
Assuming for the sake of argument that there are two species as identified by the Office, it is submitted that a claim of Species 2 is generic to the claims of Species 1.

Pursuant to the election requirement, the assignee of the application hereby elects the claims of Species 2, i.e., claims 17-21.

The due date for filing this response without having to pay an extension fee was February 29, 2004 (a Sunday). Since this response is being submitted on the next succeeding business day, no petition for extension is required.

Respectfully submitted,

HOLLAND & HART LLP

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Date: March 1, 2004

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